

5-3587

ROUTING AND RECORD

SUBJECT: (Optional)

Justice Department Proposed Report on 11-1710

FROM:

Chief, CMS

EXTENSION

NO.

DATE

23 September 1985

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS: (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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AC/EPs

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Counsel/DDO

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25 SEP 1985

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SSA/DDA

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[Signature]

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DDO

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SA/ODDO

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OLL/RI

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23 SEP 1985

MEMORANDUM FOR: Deputy Chief, Legislative Division
Office of Legislative Liaison

VIA: Counsel/DDO
Acting Chief, EPS
Special Assistant, ODDO

FROM:

Chief, DO/Career Management Staff

SUBJECT: Justice Department Proposed Report on H.R.
1710, a Bill to Remove Maximum Hiring Ages
and Mandatory Retirement Ages for Federal
Employees Not Covered by the Age
Discrimination Act

REF: OLL 85-2567/1, dated 11 September 1985,
same subject

1. The Directorate of Operations (DO) is deeply concerned over the implications of the referent Bill which would remove our flexibility in hiring and retaining the kind of young and vigorous workforce which is essential in carrying out our unique and highly sensitive clandestine mission.

2. The record would show that the DO has been most responsible and sparing in exercising its prerogatives under the existing legislation, imposing a maximum hiring age (35) only for the relatively small number of participants in the Career Training Program--the backbone of our overseas officer corps--and the mandatory retirement age only for those who have met the overseas qualifying time for CIARDS.

3. Among the factors which argue for retention of our hiring flexibility and a flow-through of personnel are these:

(a) We must have a core of personnel prepared to go anywhere in the world as the national interest requires. This assumes that these employees--and their dependents--can meet the rigorous medical (physical and psychological) standards for worldwide duty. Our figures show that after age 50 nearly 50 percent of Agency employees are not eligible for full service medical clearances, and this does not even include those who are unable to travel because of family medical constraints.

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(c) Frequent moves, family disruption, and health hazards have long been "givens" in our business, but now our employees--and their families--are facing increasing threat from civil unrest, terrorism and high crime rates. It is unfair and unrealistic to think that our people can or should keep this up indefinitely.

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4. In short, the issue for us is not age discrimination but rather the fact that the very nature of our business makes unusual demands on certain of our personnel and their families and produces a high burnout rate. Shifting large numbers of those who are less physically able into desk jobs at Headquarters is simply not an option for us as it would upset the Headquarters/Field balance in our staffing, limit our ability to respond to crises, reduce the intake of new officers, and produce a layer of Headquarters managers who would be guiding operations without the benefit of recent field experience. Nor can we, in a business as sensitive as this, leave the determination solely to the individual or enter into endless debate over whether a given employee is fit to carry on or could manage a specially tailored workload. It is our mission that defines our staffing. What we need is what we have worked hard to develop and maintain: a flow-through of personnel, backed by the assurance of an equitable retirement plan for those who have labored under such stressful conditions.

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